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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8 JAMES ERNEST DICKERSON,  
9                   Plaintiff,  
10                 v.  
11 MAGGIE MILLER-STOUT,  
12                 Defendant.

13                   Case No. C06-5422 RJB/JKA

14                   ORDER ADOPTING REPORT AND  
15                   RECOMMENDATION

16                   The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley  
17 Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby  
18 find and ORDER:

- 19                   (1) The plaintiff objects to the adoption of the Report and Recommendation by arguing  
20                   that the institutional personnel have taken it upon themselves to impede Plaintiff's  
21                   access to the Court. This objection is without merit. 42 U.S.C. § 1997e(a) mandates  
22                   that all available remedies must be exhausted before an action may be brought under  
23                   section 1983. Porter v. Nussle, 534 U.S. 516 (2002). Plaintiff admits in his  
24                   complaint that he has failed to exhaust available administrative remedies propr to  
25                   filing this action. Dkt. 1. Furthermore, Plaintiff admits in his supporting  
26                   memorandum to his motion for extension of time that he is still pursuing an  
                      administrative remedy. Dkt. 10.

ORDER - 1

- 1           (2)     The Court adopts the Report and Recommendation;
- 2           (3)     Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for failure to
- 3                       exhaust administrative remedies prior to filing; and
- 4           (4)     The Clerk is directed to send copies of this Order to Plaintiff and to the Hon.
- 5                       J. Kelley Arnold. The Clerk also is directed to send uncertified copies of this
- 6                       Order to all counsel of record via the CM/ECF system and to any party
- 7                       appearing *pro se* at said party's last known address via the U.S. Mail.

8                       DATED this 18<sup>th</sup> day of January, 2007.

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11                       Robert J. Bryan  
12                       United States District Judge

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